THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17166 of 2007

13.8.2007

Between:

G.Lakshmamma, W/o.Late G.Shankaraiah
And others

…Petitioners

And

The District Collector, Nalgonda District
And others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17166 of 2007

ORDER:

Petitioners are allegedly owners of land admeasuring Acs.15.30 gts in survey Nos.2, 3, 4, 5, 6, 7 and 24 situated at Mahadevpur village of Bibinagar Mandal in Nalgonda District (hereafter called, the subject land). They allege that when Department of Endowments raised a dispute regarding the title, application being O.A.No.76 of 1977 was filed under Section 77 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966, which was held in favour of petitioners in order dated 30.9.1981. There was also a proposal for acquisition of land admeasuring Acs.2.00 and the District Collector issued notice to the petitioners in that connection. Yet again when some third parties tried to interfere with possession, petitioners filed O.S.No.21 of 1994 on the file of the Court of the Principal Junior Civil Judge, Bhongil, which was decreed on 27.3.1996 and was confirmed by the appellate Court in A.S.No.14 of 1997. In view of the same, petitioners approached the third respondent on 05.9.2006 for issue of Pattadar Pass Books and Title Deeds (PPBs/TDs) in respect of the subject land, in vain. Therefore, they filed the present writ petition seeking to compel the third respondent to discharge the duty cast on him under Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity).

The writ petition is opposed by learned Assistant Government Pleader for Revenue (General-A) placing reliance on Sections 4 and 5 of the Act and Rule 18(2) of Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (the Rules, for brevity). According to the said provisions, a person who acquires right in property by sale, gift, inheritance, partition or Government patta, has to make application

to Mandal Revenue Officer (MRO) concerned under Form VI-A seeking necessary changes or alternations in the record of rights. Before carrying out amendment, MRO shall conduct enquiry as provided under Section 5(3) of the Act read with Rule 20 of the Rules. Petitioners did not file application in proper form, based on which Mandamus cannot be issued to third respondent. When petitioners seek direction to a statutory authority to exercise powers under such enactment, they have to strictly follow the procedure laid down under law. Liberty is given to the petitioners to make application in Form VI-A.

The writ petition, with the above observations, is accordingly dismissed of. No costs.

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(**V.V.S.RAO, J**)

August 13, 2007
YS